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10/563,709

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EXAMINER

RAHMAN, MOHAMMAD N

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,709	<b>Applicant(s)</b> SCHMIDT, JURGEN	
	<b>Examiner</b> MOHAMMAD N. RAHMAN	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on February 25, 2008 has been entered. **Claims 1, 2 and 8** have been amended. **Claims 11 and 12** are newly added. **Claims 1-12** are pending in this office action.
2. Applicants amendment overcomes the 35 USC § 112 rejection.
3. Regarding 35 USC § 101, Applicant's response has overcome the rejections.

### Claim Rejection – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-7 and 11** are rejected under 35 U.S.C. 102 (b) as being anticipated by Fujinami (U.S. Patent Number: 5,502,573), herein referred to as Fujinami.

**As to claim 1**, Fujinami teaches, Method for decoding a data stream, containing a first and a second substream (col.1 and lines 53-57), the first substream containing first and second multimedia data packets and the second substream containing control information (col. 3 and lines 12-14), wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time, the method comprising the steps of:

(Fujinami teaches, "The video buffer also is connected to a video decoder which decodes the video data temporarily stored in the video buffer, the operation of the video decoder being controlled as a function of a comparison between the generated timing data and the extracted video time data (abstract, lines 11-16)" and "the video and audio data are demultiplexed from the pack illustrated in FIG. 7, and supplied to respective video and audio decoders (col.1 and lines 56-58)", which clearly describes that the buffer contains the multimedia data packets and the data stream is being decoded within a specific time.)

- "extracting from said control information of the second substream first, second and third control data" at col. 3 and lines 12-14;

(Fujinami teaches, "The video buffer also is connected to a video decoder which decodes the video data temporarily stored in the video buffer, the operation of the video decoder being controlled as a function of a comparison between the generated timing data and the extracted video time data (abstract, lines 11-16)" and "the video and audio data are demultiplexed from the pack illustrated in FIG. 7, and supplied to respective video and audio decoders (col.1 and lines 56-58)", which clearly describes that the buffer contains the multimedia data packets and the data stream is being decoded within a specific time.

Fujinami also teaches, "a control circuit 28, which may be a central processing unit, coupled to data separator 21 to supply various control command signals thereto", which interprets that the buffer contains the control information and the control circuit processes control data.)

- "wherein the first control data are suitable for defining the allocated buffer size to be allocated" at col. 2 and lines 28-32;

(Fujinami teaches, "the error corrected digital data then is supplied to ring buffer 4 which stores such data until a predetermined amount is accumulated" which defines that for allocating control data, the buffer size is predetermined)

- "the second control data are suitable for defining one or more second multimedia data packets to be buffered" at col. 12 and lines 50-54;

(Fujinami teaches, "the video decoder skips to the next unit of video data to be loaded into video buffer 6A" which interprets that the video decoder identifies, appends and loads the data packets.)

- "and the third control data are suitable for defining a mode for buffering the second multimedia data packets" at col. 1 and lines 28-35.

(Fujinami teaches, "a system clock reference SCR follows the PACK START CODE and represents a time code corresponding to the time at which the pack was recorded", since the control data contains, data packets that includes start and stop load time.)

- "allocating, in a buffer, buffer size according to the first control data (Length)" at col. 2 and lines 28-32;

(Fujinami teaches, "the error corrected digital data then is supplied to ring buffer 4 which stores such data until a predetermined amount is accumulated" which defines that for allocating control data, the buffer size is predetermined.)

- "storing the first decoded multimedia data packets in the buffer" at col. 2 and lines 28-32;

(Fujinami teaches, "the error corrected digital data then is supplied to ring buffer 4 which stores such data until a predetermined amount is accumulated" which defines that for allocating control data, the buffer size is predetermined and the multimedia data packets are being stored.)

- "and storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia

data packets in the buffer" at "abstract" and col. 2 and lines 28-32 and col.13 and lines 28-41 and col.15 and lines 7-13.

(Fujinami teaches, see "abstract", and "the error corrected digital data then is supplied to ring buffer 4 which stores such data until a predetermined amount is accumulated" at col. 2 and lines 28-32 and "Such presentation time stamp data may be disposed in some, although not necessarily all, packet headers to represent the time at which the video or audio unit in that packet should be displayed" at col.13 and lines 28-41 and "while decoder 7 waits to decode the video data in the next picture interval from video buffer 6A, the video picture that had been previously supplied as an output video signal from the video decoder, namely picture P12, is repeatedly supplied as the output video signal, as shown in FIG. 5D" at col.15 and lines 7-13, which interprets that the multimedia data packets are stored in a buffer according to the control data and the decoded data packets are being synchronized and annexed with other corresponding data packets.)

**As to claim 2,** Fujinami teaches, " method according to claim 1, wherein the second control data defines one of a plurality of operation modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid

for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents” at col. 1 and lines 46-67 and col. 2 and lines 1-2 .

**As to claim 3**, Fujinami teaches, “ method according to claim 2, wherein the third mode has two variations, wherein in the first variation the buffering of multimedia data packets stops when the buffer is full, and in the second variation previously buffered data may be overwritten when the buffer is full” at col. 3 and lines 33-43 and col. 3 and lines 43-53.

**As to claim 4**, Fujinami teaches, “ method according to claim 1, wherein the method is utilized in an instance of a processing node and wherein the first control data (Length) defines the allocated buffer size at node creation time” at col. 8 and lines 26-50.

**As to claim 5**, Fujinami teaches, “ method according to claim 1, wherein labels are attached to the buffered first and other multimedia data packets, and the packets may be accessed through their respective label” at col. 1 and lines 46-53.

**As to claim 6**, Fujinami teaches, “method according to the claim 5, wherein a label attached to the buffered data packets contains an index relative to the latest received data packet” at col. 1 and lines 46-60.

**As to claim 7**, Fujinami teaches, “method according to claim 1, wherein the first substream contains audio data and the second substream contains a description of the presentation” at col. 1 and lines 43-46.

**As to claim 11**, Fujinami teaches, “method according to claim 1, wherein replacing the stored first decoded multimedia packets with the second multimedia data packets further comprises the step of clearing the buffer before storing the second multimedia data packets” at col.6 and lines 44-49, “video data temporarily stored in the buffer”.

### **Claim Rejection – 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 8-10 and 12** are rejected under 35 U.S.C. 102 (e) as being anticipated by Jebb et al. (U.S. Application Publication No. 2005/0120038 A1), herein referred to as Jebb.

**As to claim 8**, Jebb teaches, “ apparatus for decoding a data stream, the data stream containing a first and a second substream, the first substream containing first

and second multimedia data packets and the second substream containing control information, wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time, and wherein the first and second multimedia data packets are buffered, comprising buffering means for said buffering of the first and the second multimedia data packets,” at paragraph [0052], lines 1-10 and paragraph [0077], lines 1-6;

(Jebb teaches, “this will allow the client 40 to start decoding and presenting media to the user immediately at the point that data is received and decoded (paragraph [0052], lines 1-10)” and “buffered in the decoding buffer 41, it is necessary for decoding of data to be correctly timed (paragraph [0077], lines 1-6)” which clearly describes that the buffer contains the multimedia data packets and in a specific mode, the data stream is being decoded within a respective time which also includes the prior time of the presentation.)

- “means for extracting from said control information of the second substream first, second and third control data” at paragraph [0017], lines 1-7;

(Jebb teaches, “the data source including a plurality of encoded data streams” which interprets that the plurality of the control data is being extracted for streaming.)

- “Wherein the first control data are suitable for defining buffer size to be allocated”  
at paragraph [0009], lines 1-7;

(Jebb teaches, “video stream match the average available bandwidth the receiver buffer size”, since the buffer contains the control data according to its size.)

- “the second control data are suitable for defining one or more second multimedia data packets to be buffered” at paragraph [0085], lines 1-8 , and

(Jebb teaches, “it must find a point in the intra stream, and start streaming from it”, since the multimedia data in the packets are appended for streaming and the control data contains different mode of functions)

- the third control data are suitable for defining a mode for buffering the second multimedia data packets (at paragraph [0102], lines 1-8) .

(Jebb teaches, “the server also needs to know the timestamp of the data packet that the client is currently decoding and presenting” since in order to multimedia data packet to be buffered, the control data maintains a start and stop point of the loading time.)

- “means for allocating, in the buffer, buffer size according to the first control data”;

(Jebb teaches, “the data source including a plurality of encoded data streams” which interprets that the plurality of the control data is being extracted for streaming and stores according to size.)

- “means for storing the first decoded multimedia data packets in the buffer” at “abstract” and paragraph [0085], lines 1-8 ; and

(Jebb teaches, “A data structure for storing a data source for a streaming system, the data source including a plurality of encoded data streams” at “abstract” lines 1-4 and “it must find a point in the intra stream, and start streaming from it” at paragraph [0085], lines 1-8, since the multimedia data in the stored multimedia data packets are appended for streaming and the control data contains different mode of functions)

- “means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer” at “abstract” and paragraph [0113], lines 1-5.

(Jebb teaches, “The pointers to the last stream data structure and the last packet are useful when appending to a file” at paragraph [0113], lines 1-5, which describes that according to

the control data, the multimedia data packets are being appended or replaced in a buffer.)

**As to claim 9**, Jebb teaches, “ apparatus according to claim 8, further comprising means for attaching labels to the buffered multimedia data packets, and means for accessing, retrieving or deleting the packets through their respective label” at paragraph [0110], lines 2-8.

**As to claim 10** Jebb teaches, “apparatus according to claim 8, wherein the data stream is an MPEG-4 compliant data stream” at paragraph [0006], lines 1-4, paragraph [0113], lines 1-5.

**As to claim 12**, Jebb teaches, “apparatus according to claim 8, wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffeting of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents” see at “abstract” and for “append” see at paragraph [0113], lines 1-5, “packet are useful when appending to a file” which describes that according to the control data, the multimedia data packets are being appended or replaced in a buffer.

***Response to Arguments***

7. Applicant's arguments filed February 25, 2008 have been fully considered but they are not persuasive. The examiner respectfully traverses applicants' argument.

**Claims 1-7 and 11** are rejected under 35 U.S.C. 102 (b) as being anticipated by Fujinami (U.S. Patent Number: 5,502,573), herein referred to as Fujinami.

**Regarding claim 1**, applicant's argument stated, "Fujinami neither discloses nor suggests "extracting from said control information of the second substream first, second and third control data". On the contrary Fujinami teaches, "the operation of the video decoder being controlled as a function of a comparison" at "abstract" and "The output of the video buffer is coupled to a video decoding time stamp extractor 30 which is adapted to extract from the multiplexed video data temporarily stored in video buffer 6A" at col.6 and lines 56-63, thus the control information contains multiple stream of data.

Applicant's argument stated, "Fujinami neither discloses nor suggests "wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer" as recited in claim 1 of the present invention". On the contrary Fujinami teaches, Fujinami teaches, see "abstract", and "the error corrected digital data then is supplied to ring buffer 4 which stores such data until a predetermined amount is accumulated" at col. 2 and lines 28-32 and "Such presentation time stamp data may be disposed in some, although not necessarily all, packet headers to represent the time at which the video or audio unit in that packet should be displayed" at col.13 and lines 28-41 and "while decoder 7 waits to decode the

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video data in the next picture interval from video buffer 6A, the video picture that had been previously supplied as an output video signal from the video decoder, namely picture P12, is repeatedly supplied as the output video signal, as shown in FIG. 5D" at col.15 and lines 7-13, which interprets that the multimedia data packets are stored in a buffer according to the control data and the decoded data packets are being synchronized and annexed with other corresponding data packets.

**Regarding claim 2**, applicant's argument stated, Fujinami neither discloses nor suggests "wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffeting of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents". On the contrary Fujinami teaches, "Fujinami neither discloses nor suggests "wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer" as recited in claim 1 of the present invention". On the contrary Fujinami teaches, see "abstract", and "the error corrected digital data then is supplied to ring buffer 4 which stores such data until a predetermined amount is accumulated" at col. 2 and lines 28-32 and "Such presentation time stamp data may be disposed in some, although not necessarily all, packet headers to represent the time at which the video or audio unit in that packet should be displayed" at

col.13 and lines 28-41 and “while decoder 7 waits to decode the video data in the next picture interval from video buffer 6A, the video picture that had been previously supplied as an output video signal from the video decoder, namely picture P12, is repeatedly supplied as the output video signal, as shown in FIG. 5D” at col.15 and lines 7-13, which interprets that the multimedia data packets are stored in a buffer according to the control data and the decoded data packets are being synchronized and annexed with other corresponding data packets. Also about “data packets” and “mode” see at col. 1 and lines 46-67 and col. 2 and lines 1-2.

**Regarding claim 4**, applicant’s argument stated, “Fujinami does not show “instance of a processing node, wherein the first parameter defines the allocated buffer size at node creation time”, since the hardware implementation of Fujinami does not have a “node creation time”. On the contrary Fujinami teaches, “The video buffer also is connected to a video decoder which decodes the video data temporarily stored in the video buffer, the operation of the video decoder being controlled as a function of a comparison between the generated timing data and the extracted video time data (abstract, lines 11-16)” and “the video and audio data are demultiplexed from the pack illustrated in FIG. 7, and supplied to respective video and audio decoders (col.1 and lines 56-58)”, which clearly describes that the buffer contains the multimedia data packets and the data stream is being decoded within a specific time.

**Regarding claim 6**, applicant’s argument stated, Fujinami neither discloses nor suggests “a label attached to the buffered data packets [that] contains an index relative to the latest received data packet”. On the contrary Fujinami teaches, “the VIDEO

PACKET START CODE is a video decoding time stamp (DTSV) which is a multi-bit number that identifies the time at which a video decoder initiates its operation to decode the video data” at col. 1 and lines 46-60, thus the data packets are identified.

**Claims 8-10 and 12** are rejected under 35 U.S.C. 102 (e) as being anticipated by Jebb et al. (U.S. Application Publication No. 2005/0120038 A1), herein referred to as Jebb.

**Regarding claim 8**, applicant’s argument stated, "Jebb neither discloses nor suggests "means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer". On the contrary Jebb teaches, “The pointers to the last stream data structure and the last packet are useful when appending to a file” at paragraph [0113], lines 1-5, which describes that according to the control data, the multimedia data packets are being appended or replaced in a buffer.

In light of the foregoing arguments the 35 U.S.C. § 102 (b) rejections are hereby sustained.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad N. Rahman whose telephone number is 571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR  
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06/20/2008

/K. B. P./

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161